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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,131	03/06/2000	JIANLEI XIE	RCA88670	9524

7590

05/23/2002

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EXAMINER

LE, KIMLIEN T

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/445,131	Applicant(s) XIE, JIANLEI	
	Examiner Kimlien T Le	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1- 23 is/are rejected.
- 7) ☒ Claim(s) 6-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

Objections

1. The abstract is objected to because of the following informalities:
“individualizable” should be --individual--. Appropriate correction is required.
2. Claims 6-12 are objected to because of the following informalities:
“individualizable” should be --individual--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 19, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Teppei Yokota(U.S Patent 5,768,252).

In claim 19, see Fig. 16 of Teppei Yokota which shows a method for processing a disk having more than one laser encoded data for identifying more than one programs on the disk, comprising:

identifying a count representing the number of laser encoded areas on the disk(step S4, column 12, lines 9-21);

obtaining a first laser encoded data by reading from a first laser encoded area on the disk (steps S1-S3, column 12, lines 1-8); and

obtaining a subsequent laser encoded data by reading from a subsequent laser encoded area on the disk until the number of laser encoded areas read equals to the count (steps S6-S9, column 12, lines 22-41).

In claim 22, Teppei Yokota shows a method for processing a disk, comprising the steps of obtaining from the disk, a first code encoded individually on a first area of the disk; and using the first code obtained to process first main data associated with the first code (Figs. 15-16 ,steps S1-S3), the method further characterized by: obtaining, from the disk, a second code encoded individually on a second area of the disk(steps S6-S9); and using the second code obtained to process second data associated with the second code(column 7, line 66- column 8, line 18).

In claim 23, Figs 10-11 of Teppei Yokota inherently suggest the claimed method for forming a disk by disclosing a disk having structure corresponding to the steps of encoding first main data on a first area of the disk; and encoding, individually, a first code on a second area of the disk for identifying the first main data, the method further characterized by: encoding second main data on a third area of the disk; and encoding, individually, a second code on a forth area of the disk for identifying the second main data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teppei Yokota(U.S Patent 5,768,252)in view of the applicant's admitted prior art.

With regard to claims 1-11, 14-16 and 18 , applicant's admitted prior art shows dual layer dual sided disks are old and well known. Applicant's admitted prior art does not show two programs on each side of the medium. Yokota teaches using separate programs with TOC on a disk. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the disk of applicant's admitted prior art with a program of each side or on separate layers of one side so that the disk can utilize multiple programs. Applicant's admitted prior art also teaches storing BCA in a first area of a disk which will not overlap the program area on the second side.

Regarding claims 12 and 13, it is obvious to put BCA on each area so that each program can have it's own unique BCA.

With regard to claim 17, Office Notice is taken that it is old and well known to turn disks to read the opposite side. This is done to avoid expensive electronics and lenses on each side. It would have been obvious to provide applicant's admitted prior art in view of Yokota with means for turning the medium so that both sides of the disk can be read using one set of lenses.

5. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teppei Yokota (U.S. Patent 5,768,252) in view of Oshima et al (U.S. Patent 6,081,785).

Teppei Yokota shows all the steps of claim 19 and optical disk of claim 21 except for the laser encoding areas being Burst Cutting Areas (claim 20) or partially removed reflection film (claim 21). However, Oshima et al shows providing identification information in Burst Cutting Areas or partially removed reflection film in a DVD disk having increased storage capacity (column 4, lines 28-30). Yokota suggests storing plural programs and plural TOC identification data for the program. Therefore, it would have been obvious to provide Teppei Yokota with DVD disk type structure as taught by Oshima et al. The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide Teppei Yokota with the laser encoding areas being Burst Cutting Areas and partially removed reflection film in a DVD disk because of more versatile use and increased storage capacity of Oshima's DVD disk.

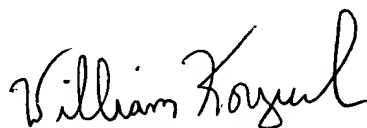
Further with regard to claim 21, Teppei Yokota shows that an optical disk having a first recording area where first main data area (Fig. 11, elements 1,2,3) recorded in the form of pits, and a second recording area which is a predetermined area (Fig. 11, elements 1) in the first recording area, so a first identification data (TOC) is recorded for associating with the first main data, the optical disk being characterized by: a third recording area for recording second main data (Fig. 11, elements 4-6) and a fourth recording area (Fig. 11, element 4).

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien Le. whose telephone number is 703-305- 3498. The examiner can normally be reached on Monday-Friday from 8A.M to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703-305-6137. The fax phone number is 703-308-6606

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


WILLIAM KORZUCH
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